

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CRIM. CASE NO. 1:19-cr-230-ECM
)
 JAREECE EDWARD BLACKMON)

MEMORANDUM OPINION and ORDER

Jury selection and trial in this case is presently set on the term of court commencing on March 8, 2021. For the reasons set forth below, the Court will continue the trial pursuant to 18 U.S.C. § 3161(h)(7).

While the trial judge enjoys great discretion when determining whether to continue a trial, the Court is limited by the requirements of the Speedy Trial Act. 18 U.S.C. § 3161; *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986). The Act provides in part:

“In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.”

18 U.S.C. § 3161(c)(1).

The Act excludes, however, certain delays from the seventy-day period, including delays based on “findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A). In determining whether to continue trial pursuant to § 3161(h)(7), the Court “shall consider,” among other factors, whether denial of a continuance would likely “result

in a miscarriage of justice,” or “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” § 3161(h)(7)(B)(i), (iv).

Due to persistent issues related to COVID-19 in Alabama, the anticipated length of the trial, and the numerous witnesses that are expected to testify, coupled with the recent initiation of COVID-19 vaccinations, the Court concludes that the ends of justice served by continuing this trial outweigh the best interest of the public and the Defendant in a speedy trial. In addition, there remains pending a motion to appoint counsel which could impact trial preparation in this complex case which includes a charge of murder. Thus, for good cause, it is

ORDERED that jury selection and trial are CONTINUED from March 8, 2021 to the criminal term of court commencing on **April 26, 2021** at 10:00 a.m. in Montgomery, Alabama.¹ All deadlines tied to the trial date are adjusted accordingly.

The United States Magistrate Judge shall conduct a pretrial conference prior to the April trial term.

Done this 16th day of February, 2021.

/s/Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE

¹ The parties previously agreed to try the case in Montgomery and to select the jury from the Northern Division.